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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,275	12/21/2001	Paul Schweizer	115-011459	3957

7590
William H Logsdon
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818

01/17/2007

EXAMINER

WELCH, GARY L

ART UNIT

PAPER NUMBER

3765

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 09/936,275	Applicant(s) SCHWEIZER, PAUL	
	Examiner Gary L. Welch	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. Prosecution on the merits of this application is reopened on claims 32-51 as considered unpatentable for the reasons indicated below:

Prior art of record to Pelliger (FR 002779630 A1) was published 17 December 1999, which predates applicant's 371 filing date of International Application, PCT/CH00/00112, dated 29 February 2000. Pelliger discloses the invention as presented in the prior art rejections presented below. In order for applicant to overcome the following prior art rejections, a certified translation of the applicant's priority document (Switzerland 459/99 of 11 March 1999) must be provided in response to this Office Action.

2. Applicant is advised that the Notice of Allowance mailed 20 November 2003 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 32-51 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claims 32 and 44 require a plurality of threaded recesses positioned to the fastening part of a hanger for accepting beverage bottle containers. The term "plurality" is sufficiently broad to encompass 2 or more recesses. Applicant's originally filed specification, claims and drawings only support a pair of recesses. It is suggested that the applicant amend the claims as follows to overcome the new matter rejection:

Claim 32, line 2: Delete "plurality" (first occurrence) and insert --pair--

Claim 32, line 2: Delete "at least one of the plurality of" and insert --the--

Claim 32, line 2: Delete "includes" and insert --include--

Claim 44, line 4: Delete "plurality" and insert --pair--

Claim 44, line 5: Delete "at least one of the plurality of" and insert --each of the--

Claim 44, line 5: Delete "includes" and insert --include--

Claim Rejections - 35 USC § 102

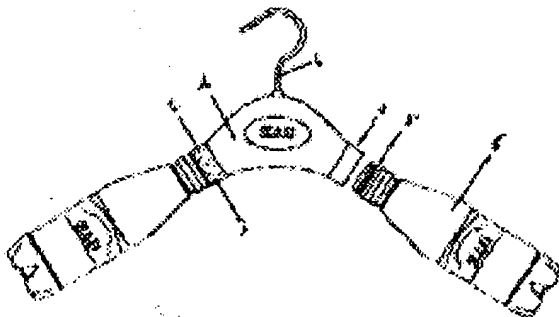
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 32-41, 43-49 and 51 are rejected under 35 U.S.C. 102(a) as being anticipated by Pelliger (FR 002779630 A1).

Pelliger discloses a hook 4 for a hanger having a fastening part including a pair of recesses 2 positioned therein. At least one of the pair of recesses 2 includes threads configured to receive corresponding threads 3 on a beverage bottle container 6. The hook 4 extends along a vertical axis thereby defining a horizontal axis disposed at a 90-degree angle therefrom. The recesses 2 extend at an angle divergent from the horizontal axis.



With regard to claims 33 and 45, the threads of the recess 2 are formed directly on an interior portion of the recess.

With regard to claims 34 and 46, the threads of the recess 2 are formed by threads of a cap of a beverage bottle container 6 fastened within the recess.

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With regard to claims 35 and 47, the cap is fastened within the recess by a locking cap within the recess.

With regard to claim 36, the cap is fastened within the recess by latching the cap within the recess.

With regard to claim 37, the cap is fastened within the recess by adhering the cap within the recess.

With regard to claim 38, the cap is fastened within the recess by welding.

With regard to claims 39 and 48, a beverage bottle container 6 is detachably fastened to the fastening part of the hook.

With regard to claim 40, the beverage bottle container is plastic.

With regard to claim 41, the fastening part is located on a lower end of the hook 4.

With regard to claims 43 and 51, at least a portion of the hook is manufactured from wire.

With regard to claim 44, the claim is rejected for the same reason as presented in the rejection to claim 32.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 42 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelliger (FR 002779630 A1).

Pelliger discloses the invention substantially as claimed above.

However, Pelliger does not disclose that the hook is manufactured in the form of a plastic injection molded part. The hook of Pelliger appears to be manufactured from a wire material.

The examiner takes Official Notice that it is well known in the art for garment hangers to have hooks manufactured via plastic injection molding. It would have been obvious to one of ordinary skill in the art at the time the invention was made to fabricate the hook of Pelliger from plastic injection molding since plastic has the benefit of being resistant to rust, inexpensive and is light in weight.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gary L. Welch
Supervisory Patent Examiner
Art Unit 3765

glw